



TAXI/PRIVATE HIRE BOOKING OFFICE LICENCE GUIDANCE NOTES FOR APPLICANTS

Disclaimer

These notes have been prepared as an outline of the licensing provisions in connection with taxi/private hire booking offices introduced by the Civic Government (Scotland) Act 1982. While every effort has been made to ensure accuracy these notes are for general guidance only and do not constitute legal advice. It is the responsibility of applicants and licence holders to ensure that they comply with the provisions of the Act, any statutory instruments and thereunder, the conditions outlined in the schedule attached to your licence and any policy / guidance notes issued by the Council.

The application is split into 5 different parts

- A Personal Details**
- B Business Details**
- C Licence Details**
- D Premises Details**
- E Criminal Convictions**
- F Residence Outside the UK**

A Personal Details

It is essential that your full details are supplied on the application form so that necessary Police checks can be undertaken swiftly and so your application can be processed as quickly as possible.

B Business Details

You are required to complete this section if the premises/operation is run by a company or partnership rather than an individual person.

C Licence Details

Grant of a Licence – If you have never held a taxi/private hire booking office licence before or you do not currently have such a licence you need to apply for the **grant** of a licence.

Renewal of a Licence – If you currently hold a taxi/private hire booking office licence which has not expired but is due to expire then you need to apply for a **renewal** of the licence.

A licence is generally granted for a period of 3 years although the licensing authority has the discretion to grant it for a shorter period.

D Premises Details

Whether it is a Grant or Renewal you should complete all the details requested for the premises you wish to be licensed.

E Criminal Convictions

This section asks whether you have ever been convicted of any crime or offence. **Please note that this includes any driving fixed penalties.**

Although you are not required to disclose any convictions which are “spent” in terms of the Rehabilitation of Offenders Act 1974, the Police may still raise an objection on the basis of spent convictions and the licensing authority may decide to consider these if they are thought relevant to your application.

The Rehabilitation of Offenders Act 1974 states what is to be considered as a “spent” conviction. It depends not just on how long ago the conviction took place but also the seriousness of the crime and the severity of the sentence received. If you think a conviction is “spent” you should seek independent legal advice. **Failure to disclose convictions is a criminal offence and any applicant failing to disclose a conviction will be reported to the Procurator Fiscal with a view to prosecution**

F Residence outside the UK

If you are making an application you, or anyone named in the application must provide evidence of your criminal history:

- **If you were born in the UK** but have lived in any other country within the ten years prior to your application for a continuous period of twelve months or more you must provide a Criminal Record Check for all those countries for the relevant period(s)
- **If you were born outwith the UK** you must provide a Criminal Record Check from your country of origin for the time of residence there IF it was in the last ten years, unless you left that country without reaching the criminal age of responsibility. You must also provide a Criminal Record Check from any other country in which you have resided for a continuous period of six months or more in the ten years prior to application.

In all cases, the Criminal Record Checks provided must

- have been obtained within the six months immediately prior to submitting your application; and
- be translated into English; and
- be verified by the relevant UK-based Embassy or High Commission

Process for obtaining Criminal Record Checks -

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Note: The certificate must be produced before the licence can be granted. Whilst it is desirable for the applicant to produce the certificate with the application, it is not a strict requirement. This is so any applicant having difficulties will not be disadvantaged by delays to processing the application. At the applicants choosing, the application can be accepted as valid without the convictions evidence but the evidence should be provided as soon as possible. In this way the convictions evidence will be a check rather than a validation. Applicant should still note, however, that the licence cannot be granted without the evidence having been produced. Therefore if the application is approaching the

9 month time limit without the evidence being produced, the application may be refused for failure to comply with administrative provisions.

If you are experiencing difficulties in obtaining a certificate then please contact the licensing team to discuss your options. It may be possible to accept alternative evidence, for example: evidence of checks having been carried out by another government body; affidavits; or character references.

In cases where it is not possible to provide any satisfactory evidence, the application will be referred to the Licensing Committee for a decision. Therefore the application may be delayed pending the outcome of a hearing.

General Information

- A licence is only required if bookings for four or more vehicles are taken through the premises.
- Change of Details – If at some point during the 3 years that the licence lasts you need to change the details of the licence e.g. change in name, change in address or if you acquire a criminal conviction etc. – you must submit a yellow form (if you are an individual) or a peach form (if you are a company or a Firm/Partnership). There is no fee for a change of details.
- Declaration – You require to sign and date the declaration at the bottom of the application form. This is a very important part of the form and you should note that it is criminal offence to make a false declaration for which you can be prosecuted and fined up to £2500.

Once you have completed the application form, you should submit it to:

Head of Legal and Democratic Services
Moray Council
High Street
Elgin
IV30 1BX

along with the appropriate fee.

Your application will be copied to Police Scotland, the Scottish Fire and Rescue Service and the Chief Planning Officer for their observations. If no objection or observation is made on your application within 21 days, the Council will proceed to issue your licence. If an observation or objection is received, your application will be referred to the Licensing Committee of the Council where elected Members will consider the matter. You will be given an opportunity to attend this meeting and put your case in support of your application.

Fees

Please refer to the Moray Council website for the list of current fees.

Display Notice and Certificate of Display

As well as fully completing the application form you must also complete and display the “Display Notice” at or near the premises in such a position that it can be conveniently read by members of the public. Once you have displayed this notice for 21 days, you should then complete the “Certificate of Display” and send it to the above address.

It is very important that the Display procedure is carried out correctly. You should note that failure to carry out these requirements will delay your application if the Display procedures have to be repeated.

On the day you lodge your application for the licence you must:-

Complete the form headed "DISPLAY NOTICE"

Display it at or near the premises so that it can be conveniently read by the public

It must remain there for 21 days

You should check throughout the 21 days that it has not been removed, obscured or defaced. If it has been, you should ensure that it is protected or a replacement is displayed immediately.

At the end of the 21 days you must:-

Remove the notice

Complete and return the form headed "CERTIFICATE OF DISPLAY"

If you have any queries please e-mail licensing@moray.gov.uk or contact us on 01343 563027.

N.B. It is an offence for any person to make any statement which he knows to be false in this application or in connection with the making of this application



DISPLAY NOTICE

APPLICATION FOR THE GRANT/RENEWAL OF A BOOKING OFFICE LICENCE

Notice is hereby given that

..... (Applicants full name & address, business or individual)
..... (Names & addresses of Directors/Partners if applicant is a Business)
..... (Name & address of Responsible Employee if applicant is a Business)

has made an application to the Moray Council for the grant/renewal of a Booking Office Licence to operate at the following premises:

..... (Address of premises)

Any Objection or Representaion relating to the application should be made to the Legal and Democratic Services Manager, Moray Council, Council Office, High Street, Elgin, IV30 1BX (where a copy of the Application may be inspected) and requires to be lodged by

..... * (date)

Such a representation shall be considered to have been made within the period referred to if it is delivered by hand within that period or posted (by Registered or Recorded Delivery Post) so that in the normal course of the post it might be expected to be delivered within that period.

Where an objection or representation is made to the Council after the date referred to but before the final decision is taken on the application it is competent for the Council to entertain such an objection if it is satisfied that the is sufficient reason why it was not made within the period of time stated.

ANY OBJECTION OR REPRESENTATION IN RESPECT OF THE FOREGOING APPLICATION MUST BEMADE IN WRITING AND MUST SPECIFY THE GROUNDS OF THE OBJECTION OR THE NATURE OF THE REPRESENTATION. In addition the name and address of the person making the objection or representation must be specified and must be signed by or on behalf of the said person.

Date.....Signature of Applicant.....
or
Signature of Agent on behalf of applicant.....

*The date stated should be the 28th day after the date the application was made to the Council.

THIS DISPLAY NOTICE MUST BE DISPLAYED FOR THE WHOLE OF THE PERIOD OF 21 DAYS AT OR NEAR THE PREMISES SO THAT IT CAN BE CONVNIENTLY READ BY THE PUBLIC



CERTIFICATE OF DISPLAY

GRANT / RENEWAL OF A BOOKING OFFICE LICENCE

I/WE.....
.....

Applicant for a Grant/Renewal *¹ of a Booking Office Licence Herby Certify that a Notice in the form prescribed by The Moray Council has been posted at or near the premises at

.....
.....

from.....(date) to(date)

Where the said Notice was removed, obscured or defaced during the above mentioned period. I/we certify that this was without any fault or intention on my/our part and I/we took reasonable steps for its protection and replacement as follows*²:-

.....
.....
.....
.....

Date

Signature

*¹ Delete as appropriate

*² Delete this paragraph if not applicable otherwise specify periods when notice removed, obscured or defaced, relevant circumstances, and steps taken for protection and replacement.